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Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States of America v. Vincent Asaro
14-CR-26(ARR)

Dear Judge Ross:

We write with regard to the exhibit currently on display in the Charles P. Sifton Gallery in the lobby of the United States District Court for the Eastern District of New York ("Exhibit"). Based on the below, we respectfully ask that the Court see to the removal of the Exhibit prior to trial in the above referenced case. The government has no objection to the instant application.

The Exhibit in the courthouse lobby is entitled "The Eastern District in the Headlines." [1] It contains a series of displays of noteworthy cases tried and won by the prosecution, including many high profile organized crime cases. For example, the Exhibit includes an oversized board featuring various news clippings and summaries from "Organized Crime" cases in the Eastern District. Some of the cases and individuals represented on the display include: (i) United States v. Phillip Rastelli (former acting head of the Bonanno family); (ii) United States v. Joseph Massino (former head of the Bonanno family and expected government witness at Mr. Asaro's trial); (iii) Salvatore Vitale (former underboss of the Bonanno family and expected government witness at Mr. Asaro's trial); (iv) Vincent Basciano (former acting boss of the Bonanno family); (v) Thomas Pitera (former hitman for the Bonanno family); (vi) and John Gotti (former boss of the Gambino family). The Exhibit also includes a board titled "EDNY in the Movies," and has movie posters for Goodfellas, Donnie Brasco, Witness to the Mob and John Gotti, among others.

The instant indictment alleges that Mr. Asaro is a member of the Bonanno family and that he committed the charged offenses in furtherance of that enterprise, the Bonanno family. Two of the government's cooperating witnesses in the instant case are featured in the exhibit: Joseph

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[1] Counsel was informed by the United States Marshals Service that picture taking is prohibited in the courthouse; accordingly, we are unable to provide the Court with pictures of the Exhibit.

Massino and Salvatore Vitale. Moreover, it is fully anticipated that Phillip Rastelli and John Gotti will be discussed in great detail at the trial. And, one of the charged racketeering acts in the instant case, the Lufthansa Heist, was featured in the movie Goodfellas. The movie poster for Goodfellas is displayed in the Exhibit on a board titled "EDNY in the Movies."

Given its content, the unintended consequence is that the Exhibit, displayed by a neutral third party – the courthouse, seemingly endorses the Government's current prosecution of an alleged member of the Bonanno family, as well as highlights the government success in prior prosecutions involving the same enterprise. The resulting effect is that the Exhibit functions to bootstrap the prosecution of Mr. Asaro.

What jurors learn about a case and the witnesses in a case should come from trial testimony, not from outside media. Therefore, during every criminal trial, the Court instructs jurors not to read any news coverage and not to do any independent research on the individuals or matters they hear about during trial. In fact, even before a jury is selected, the Court inquires prospective jurors what, if anything, they may have read about the case. If jurors in this case are permitted to view the Exhibit in the courthouse during Mr. Asaro's trial, the Court's admonitions will be rendered meaningless.

Given the inherent prejudicial nature of a display featuring successful organized crime prosecutions by the United States Attorney's Office for the Eastern District of New York, the undue influence the Exhibit may have on prospective and actual jurors, as well as the unintended imprimatur the Exhibit places on the government's case against Mr. Asaro, we respectfully requests that the above mentioned sections of the Exhibit be removed prior to jury selection.

I thank Your Honor for her consideration in this matter.

Respectfully submitted,

Elizabeth E. Macedonio

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cc: AUSAs Nicole Argentieri, Alicyn Cooley, Lindsay Gerdes